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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/016,529  
Filing Date: December 10, 2001  
Appellant(s): BECKWITH ET AL.

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Timothy J. Bechen  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the supplemental appeal brief filed 02/05/2010 appealing from the Office action mailed 10/14/2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5546574	Grosskopf et al.	8-1996
5742762	Scholl et al.	4-1998
5657375	Connolly et al.	8-1997

6141759	Braddy	10-2000
6002767	Kramer	12-1999
5828729	Clermont et al.	10-1998

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

**Claims 32 and 38-39 are rejected under 35 U.S.C 103(a) as being unpatentable over Grosskopf et al. (U.S. 5,546,574) in view of Scholl (U.S. 5,742,762).**

#### **Regarding claim 32:**

Grosskopf discloses the invention substantially as claimed, including a global service management system for managing a plurality of service control points (SCPs) in a telecommunications network, the global service management system comprising:

a message receiving means for receiving a message for controlling two or more SCPs of the plurality of SCPs: (a source service control point (SCP) and a target service

control point (SCP) receive a request message from a service node in order to parallel update data (e.g. subscriber data) into the source SCP database and the target SCP databases: Grosskopf, abstract, lines 4-10).

the SCP in the telecommunication network: (Grosskopf 's SCPs are telecommunication network elements, abstract, lines 1-4).

business object means for processing a message at a time when the message requests system modifications, the time of the message request being at a future date and time; and units of work means for communicating with the message receiving means and with one or more business object means for processing the message at the future date and time: (service control point receives request to update/modify data (e.g. subscribers data) into its database from service node. Moreover, the service control point can be scheduled to update the data (e.g. subscribers data) in future time: Grosskopf, column 4, lines 48-54, 1-11; column 2, lines 45-60).

However, Grosskopf does not explicitly disclose a first translating means for translating at least a portion of the message to a first vendor-specific format.

In analogous art, Scholl discloses the network management gateway has capabilities of parsing and translating received management service requests from the Web client into appropriate protocols or formats for each of destination managed network elements prior forwarding them to appropriate managed network elements, see (Scholl, figure 3; column 6, lines 3-32, lines 57-67; abstract, lines 13-17; column 4, lines 1-64) and a second translating means for translating at least a portion of the message to a second vendor-specific format, wherein the second translating means is different

from the first translating means: (as similar to disclosures above, the network management gateway includes a parser and a formatter for parsing and translating the received management service requests into appropriate formats or protocols of destination managed network elements prior forwarding them to desired destination managed network elements: Scholl, column 6, lines 15-24, lines 57-67).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Scholl's ideas of translating the messages into appropriate formats or protocols of destination network elements into Grosskopf's system in order to increase efficiencies and flexibilities for communication system (i.e. ability to support multiple protocols communication system) see (Scholl: column 3, lines 50-67; column 4, lines 1-10).

**Regarding claim 38:**

In addition to rejection in claim 32, Grosskopf-Scholl further discloses a first network element manager associated with the first SCP; a second network element manager associated with the second SCP; and network element manager means for managing translating the message: (Scholl discloses a manager-of-managers network managing system which including a network management gateway has capabilities of parsing and translating received management service requests from the Web client into appropriate protocols or formats for each of destination managed network elements prior forwarding them to appropriate managed network elements: figure 3; column 6, lines 3-32, lines 57-67; abstract, lines 13-17; column 4, lines 1-64).

translating processed by the business object means into the second vendor-specific format: (Scholl, figure 3; column 6, lines 3-32, lines 57-67; abstract, lines 13-17; column 4, lines 1-64).

**Regarding claim 39:**

In addition to the rejection of claim 38, Grosskopf-Scholl further discloses translating messages from a network element manager to a format of the business objects means: (Scholl, figure 3; column 6, lines 3-32, lines 57-67; abstract, lines 13-17; column 4, lines 1-64).

**Claim 33 is rejected under 35 U.S.C 103(a) as being un-patentable over Grosskopf-Scholl in view of Connolly et al. (U.S. 5,657,375).**

**Regarding claim 33:**

Grosskopf-Scholl discloses the invention substantially as disclosed in claim 32, but does not explicitly teach audio response means for receiving messages from a telecommunication services subscriber at a telephone.

In analogous art, Connolly discloses management system for controlling two-way voice/data/image calling, see (figure 1, abstract).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Connolly's ideas of applying two-way

voice/data/image calling into Grosskopf-Scholl's network management system in order to increase flexibilities for Scholl's management system, see (Connolly: column 1, lines 36-67).

**Claims 34-36 are rejected under 35 U.S.C 103(a) as being un-patentable over Grosskopf-Scholl in view of Braddy (U.S. 6,141,759).**

**Regarding claim 34:**

Grosskopf-Scholl discloses the invention substantially as disclosed in claim 32, but does not explicitly teach means for receiving messages from an automated provisioning system.

In analogous art, Braddy discloses technique of automatically sending update configuration information, see (column 18, lines 10-15).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Braddy's ideas of automatically sending update configuration information into Grosskopf-Scholl's network management system in order to increase efficiencies for network management system (i.e. ability of distribute up-to-date configuration information), see (Braddy: column 18, lines 10-15).

**Regarding claim 35:**



Grosskopf-Scholl discloses the invention substantially as disclosed in claim 32, but does not explicitly teach means for receiving messages from an internal provisioning computer, the messages being prepared in response to customer question.

In analogous art, Braddy discloses requesting information could be received from a local web-server, see (figure 17, item 52).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Braddy's ideas of load balancing between first server and second servers into Grosskopf-Scholl's network management system in order to provide an efficient information distribution system, see (Braddy: column 6, lines 1-9).

**Regarding claim 36:**

Grosskopf-Scholl discloses the invention substantially as disclosed in claim 32, but does not explicitly teach receiving messages from the Internet.

In Braddy's system, the requesting information could be received from the web-servers through firewall, see (figure 17, item 52: figure 17, items 74, 72).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Braddy's ideas of load balancing between first server and second servers into Grosskopf-Scholl's network management system in order to provide an efficient information distribution system, see (Braddy: column 6, lines 1-9).

**Claims 40 and 43 are rejected under 35 U.S.C 103(a) as being un-patentable over Braddy (U.S. 6,141,759) in view of Grosskopf et al. (U.S. 5,546,574) and further in view of Scholl et al. (U.S. 5,742,762).**

**Regarding claim 40:**

Braddy discloses the invention substantially as claimed, including a method, which can be implemented in a computer hardware or software code, comprising:

receiving a request for networking information retrieval at a global service management system; determining if the requested network information is stored at the global service management system; if the requested network information is not stored at the global service management system, determining which other location stores the requested information: (Braddy discloses a network system for distributing, monitoring and managing information requests. The system includes client computers, a first server, and numbers of second servers. In Braddy's system, information requests will be first received by a broker software which included in the first server. The broker software has capability of determining if requesting information can be received from the first server or one of second servers that has available requesting information: column 6, lines 15-27; 32-40; abstract).

However, Braddy does not explicitly disclose in communication with service control points (SCPs), the SCPs being of two or more vendors; providing a requested network to a network element adaptor.

In analogous art, Grosskopf discloses a source service control point (SCP) and a target service control point receive request message from a service node in order to parallel update data (e.g. subscribers information) into the source SCP database and the target SCP database, see (Grosskopf, abstract, lines 4-10).

the SCPs in the telecommunications network: (Grosskopf's SCPs are telecommunication network elements: abstract, lines 1-4).

a message request for performing a requested operation at an indicated future data and time: (service control point receives request to update/modify data (e.g. subscribers data) into its database from service node. Moreover, the service control point can be scheduled to update the data (e.g. subscribers data) in future time: Grosskopf, column 4, lines 48-54, 1-11; column 2, lines 45-60).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Grosskopf's ideas of parallel update data (e.g. subscribers information) into the source SCP database and the target SCP database into Braddy's system in order to provide a reliable, efficient, quickly response communication system with a minimum of management and coordination, see (Grosskopf, column 2, lines 37-41).

However, Braddy-Grosskopf does not explicitly disclose translating the requested network information to a vendor-specific format.

In analogous art, Scholl discloses the network management gateway including the parser and formatter for parsing and translating the management service requests

into appropriate formats or protocols of destination management network elements, see (Scholl, column 6, lines 15-24, lines 57-67).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Scholl's ideas of translating the messages into appropriate formats or protocols of destination network elements into Braddy-Grosskopf's system in order to increase efficiencies and flexibilities for communication system (i.e. ability to support multiple protocols communication system) see (Scholl: column 3, lines 50-67; column 4, lines 1-10).

**Regarding claim 43:**

In addition to rejection in claim 40, Braddy-Grosskopf-Scholl further discloses providing portions of a request message to a translation database; and receiving translated portion from the translation database: (Scholl discloses the network management gateway including the parser and formatter for parsing and translating the management service requests into appropriate formats or protocols of destination management network elements, see (Scholl, column 6, lines 15-24, lines 57-67).

**Claim 41 is rejected under 35 U.S.C 103(a) as being un-patentable over Braddy-Grosskopf-Scholl in view of Kramer (U.S. 6,002,767).**

**Regarding claim 41:**

Braddy-Grosskopf-Scholl discloses the invention substantially as disclosed in claim 40, but does not explicitly teach receiving a reply from the SCP which stores the requested network information in response to the message; and reverse translating the reply from the format required by the SCP which stores the requested network information.

In analogous art, Kramer discloses technique of using gateway as intermediary agent which implements messages translating and reversed-translating for communications between network elements, see (column 122, lines 14-17)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kramer's ideas of applying translating and reversed-translating techniques into Braddy-Grosskopf-Scholl's network management system in order to increase flexibility and security for communication system see (column 121, lines 42-67).

**Claim 42 is rejected under 35 U.S.C 103(a) as being un-patentable over Braddy- Grosskopf -Scholl-Kramer in view of Clermont et al. (U.S. 5,828,729).**

**Regarding claim 42:**

Braddy-Grosskopf-Scholl-Kramer discloses the invention substantially as disclosed in claim 41, but does not explicitly teach request reverse translation; and receiving reverse translation.

In analogous art, Clermont discloses ability of reverse translation in SCP, see (column 7, lines 30-40).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Clermont's ideas of reverse translating in SCP into Braddy-Grosskopf-Scholl-Kramer's network management system in order to save resources and development time.

#### **(10) Response to Argument**

- 1. With respect to claims 32, 38, and 39, Appellant's arguments should not be found persuasive because Grosskopf in view of Scholl discloses the limitations brought to issue by Appellant.**

Appellant provides three key arguments:

First, Appellant argues that "Scholl does not teach or suggest operations in a telecommunication network." Examiner disagrees as follows. Scholl discloses examples of managed networks including cellular telephony systems (Column 6, Lines 25-29). Examiner submits that a network including cellular telephony systems reads on "telecommunication network."

Second, Appellant argues that "one skilled in the art would not have been motivated to combine the Grosskopf and Scholl references." Examiner disagrees as follows. As it has been established that the Grosskopf and Scholl references

are analogous with respect to each other (i.e., both teach managing telephony networks), Examiner submits that one of ordinary skill in the art at the time the invention was made would have been motivated to combine Scholl's ideas of translating messages into appropriate formats or protocols of destination network elements into Grosskopf's system in order to increase efficiencies and flexibilities for communication system (i.e. ability to support multiple protocols communication system) see (Scholl: column 3, lines 50-67; column 4, lines 1-10).

Third, Appellant argues that "there is absolutely no mention of the "future date and time" aspect" in the Grosskopf reference. Examiner disagrees as follows. Grosskopf discloses a Synchronization Update Request Message, wherein if the message cannot be delivered, the subscriber changeable data is marked out-of-sync and a resync process will be scheduled to resynchronize at a later time (Column 4, Lines 44-54). Examiner submits that "scheduling at a later time" reads on "future date and time." Grosskopf further discloses updating subscriber data (Column 4, Lines 35-38).

2. **With respect to claim 33, Appellant's arguments should not be found persuasive because Grosskopf in view of Scholl and further in view of Connolly discloses the limitations brought to issue by Appellant.**

Appellant submits the above-offered position regarding claim 32 and submit that claim 33 is necessarily patentable for at least the same reasons noted in said position. Examiner disagrees according to the responses made regarding claim 32.

3. **With respect to claims 34-36, Appellant's arguments should not be found persuasive because Grosskopf in view of Scholl and further in view of Braddy discloses the limitations brought to issue by Appellant.**

Appellant submits the above-offered position regarding claim 32 and submit that claims 34-36 are necessarily patentable for at least the same reasons noted in said position. Examiner disagrees according to the responses made regarding claim 32.

4. **With respect to claims 40 and 43, Appellant's arguments should not be found persuasive because Braddy in view of Grosskopf and further in view of Scholl discloses the limitations brought to issue by Appellant.**

Appellant provides three key arguments that are substantially similar to those brought to issue by Appellant regarding claim 32.



First, Appellant argues that “one skilled in the art would not have been motivated to combine the Grosskopf and Scholl references.” Examiner disagrees as follows. As it has been established that the Grosskopf and Scholl references are analogous with respect to each other, Examiner submits that one of ordinary skill in the art at the time the invention was made would have been motivated to combine Scholl’s ideas of translating messages into appropriate formats or protocols of destination network elements into Grosskopf’s system in order to increase efficiencies and flexibilities for communication system (i.e. ability to support multiple protocols communication system) see (Scholl: column 3, lines 50-67; column 4, lines 1-10).

Second, Appellant argues that “there is absolutely no mention of the “future date and time” aspect” in the Grosskopf reference. Examiner disagrees as follows. Grosskopf discloses a Synchronization Update Request Message, wherein if the message cannot be delivered, the subscriber changeable data is marked out-of-sync and a resync process will be scheduled to resynchronize at a later time (Column 4, Lines 44-54). Examiner submits that “scheduling at a later time” reads on “future date and time.”

Examiner submits that the responses to the first and second of Appellant’s arguments renders Appellant’s third argument that “the Examiner’s combination with Braddy fails to cure the deficiencies of the Scholl/Grosskopf combination”

moot because there was a motivation to combine the three references and the combination discloses all claim limitations.

5. **With respect to claim 41, Appellant's arguments should not be found persuasive because Braddy in view of Grosskopf and further in view of Scholl and Kramer discloses the limitations brought to issue by Appellant.**

Appellant submits the above-offered position regarding claim 40 and submit that claim 41 is necessarily patentable for at least the same reasons noted in said position. Examiner disagrees according to the responses made regarding claim 40.

6. **With respect to claim 42, Appellant's arguments should not be found persuasive because Braddy in view of Grosskopf and further in view of Scholl, Kramer, and Clermont discloses the limitations brought to issue by Appellant.**

Appellant submits the above-offered position regarding claim 40 and submit that claim 42 is necessarily patentable for at least the same reasons noted in said position. Examiner disagrees according to the responses made regarding claim 40.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/N. T./

Examiner, Art Unit 2452

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